



9110-9L

## DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2013-0009]

Privacy Act of 1974; Computer Matching Program

**AGENCY:** Department of Homeland Security/U.S. Citizenship and Immigration Services

**ACTION:** Notice.

**OVERVIEW INFORMATION:** Privacy Act of 1974; Computer Matching Program between the Department of Homeland Security, U.S. Citizenship and Immigration Services and the New York Department of Labor.

**SUMMARY:** This document provides notice of the existence of a computer matching program between the Department of Homeland Security, U.S. Citizenship and Immigration Services and the New York Department of Labor.

**SUPPLEMENTARY INFORMATION:** The Department of Homeland Security/U.S. Citizenship and Immigration Services provides this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Public Law 100-503) and the Computer Matching and Privacy Protection Amendments of 1990 (Public Law 101-508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100-503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A-130, Appendix I, 65 FR 77677 (December 12, 2000).

**PARTICIPATING AGENCIES:** The Department of Homeland Security/U.S. Citizenship and Immigration Services (DHS/USCIS) is the source agency and the New York Department of Labor (NY-DOL) is the recipient agency.

**PURPOSE OF THE MATCH:** This Computer Matching Agreement allows DHS/USCIS to provide the NY-DOL with electronic access to immigration status information contained within the DHS/USCIS Verification Information System (VIS). The immigration status information will enable NY-DOL to determine whether an applicant is eligible for benefits under the Unemployment Compensation (UC) program administered by NY-DOL.

**AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:** Section 121 of the Immigration Reform and Control Act (IRCA) of 1986, Pub. L. 99-603, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), requires DHS to establish a system for the verification of immigration status of alien applicants for, or recipients of, certain types of benefits and to make this system available to state agencies that administer such benefits. Section 121(c) of IRCA amends Section 1137 of the Social Security Act and certain other sections of law that pertain to Federal entitlement benefit programs to require state agencies administering these programs to use the DHS/USCIS verification system to make eligibility determinations in order to prevent the issuance of benefits to alien applicants who are not entitled to program benefits because of their immigration status. The VIS database is the DHS/USCIS system established and made available to NY-DOL and other covered agencies for use in making these eligibility determinations.

NY-DOL seeks access to the information contained in the DHS/USCIS VIS database, for the purpose of confirming the immigration status of alien applicants for, or recipients of, the benefits it administers, in order to discharge its obligation to conduct such verifications pursuant to Section 1137 of the Social Security Act, 42 U.S.C. 1320b-7 and to New York Unemployment Insurance Law, Article 18, Title 7, Section 590.

**CATEGORIES OF RECORDS AND INDIVIDUALS COVERED:**

DHS/USCIS will provide the following to NY-DOL: Records in the DHS/USCIS VIS database containing information related to the status of aliens and other persons on whom DHS/USCIS has a record as an applicant, petitioner, or beneficiary. See DHS/USCIS-004 Systematic Alien Verification for Entitlements Program System of Records Notice, 76 FR 58525 (September 21, 2011).

NY-DOL will provide the following to DHS/USCIS: NY-DOL records pertaining to alien applicants for, or recipients of entitlement benefit programs administered by the State.

NY-DOL will match the following records with DHS/USCIS records:

- Alien Registration Number
- I-94 Number
- Last Name
- First Name
- Middle Name
- Date of Birth
- Nationality

- Social Security Number

DHS/USCIS will match the following records with NY-DOL records:

- Alien Registration Number
- Last Name
- First Name
- Middle Name
- Date of Birth
- Country of Birth (not nationality)
- Social Security Number (if available)
- Date of Entry
- Immigration Status Data
- Employment Eligibility Data

**INCLUSIVE DATES OF THE MATCHING PROGRAM:** The inclusive dates of the matching program are from December 29, 2011, and continuing for 18 months through June 28, 2013. The matching program may be extended for an additional 12 months thereafter, if certain conditions are met.

**ADDRESS FOR RECEIPT OF PUBLIC COMMENTS OR INQUIRES:** Individuals wishing to comment on this matching program or obtain additional information about the program, including requesting a copy of the computer matching agreement between DHS-USCIS and NY-DOL, may contact.

For general questions please contact:

Janice M. Jackson (202-443-0109),

Acting Privacy Branch Chief, U.S. Citizenship and Immigration Services,

Department of Homeland Security

131 M Street NE, Suite 200

Washington DC 20529.

For privacy questions please contact:

Jonathan R. Cantor (202-343-1717),

Acting Chief Privacy Officer, Privacy Office

Department of Homeland Security

Washington, DC 20528.

Dated: February 13, 2013

Jonathan R. Cantor

Acting Chief Privacy Officer,

Department of Homeland Security.

[FR Doc. 2013-05640 Filed 03/11/2013 at 8:45 am; Publication Date: 03/12/2013]